

1906-013
Lee Co.

Chancery Causes: Adm. of C. M. Hill vs. Reid Evans &c

Anderson, Robinett, Tate, Horton, Tomlinson, Williams, Arrington,
Roberts, Willis, Livesay, Livingston, Munsey, Osborn

3 Plats

CA-Debt
T-Property

-Deed

To the Hon. W. T. Miller, Judge
of the circuit court for Lee
County Virginia.

Your Orator, F. C. Anderson
administrator of C. M. Hill died,
who humbly complaining would
respectfully represent, That on
the 21st day of Jan. 1891, Reid
Evans, executed to said C. M.
Hill in his life time a note
for \$141⁷⁵ due & payable one
day after the date thereof, being
a part of the purchase price ~~on~~
a tract of land situated on
Blackwater Creek in Lee County
Virginia, which said Hill in
his life time sold to the said
Evans. The said note is filed
herewith as a part hereof marked
"A," by an inspection of which
it will be seen that it is
for the price of real estate.
No part of said note has
been paid, but now remains
wholly due your Orator.

For the land thus sold said
Hill in his life time made &
executed a conveyance thereof &

& delivered the same to said Evans, who retains the same in his hands, it being unrecorded. In said conveyance the said Will retained the vendors lien for the unpaid purchase money of which the note here sued on is a part & as your Orator is advised constitutes a lien on said real estate so conveyed.

The object of this Bill, therefore, is to have a decree enforcing said lien & the land or so much thereof as may be necessary ^{sold} to pay your orators debt, sold to pay the same.

To effect which he prays that said Reid Evans be made a party defendant to this Bill & that he answer the same, but he need not do so upon oath, that being expressly waived. And for all

other, further & general
relief. May super issue &c.
Bridmore & Sewell

p. 9.

Plffs Costs

Clerk 12.87
 Jax 1.50
 Shoff 3.90
 atty 15.00
 Estimated 5.00
 J P 37.97
~~Clerk 4.00~~
~~Cour 44.25~~

Def's Costs recovered

N.P. 8.25
 Wits 10.46
 J P 5.00
 Surveyor 2.00
 Chauman 4.00
 Cour 44.25
 73.96

73.96
 37.97
 111.93

1 P & S.

F.C. Anderson admr

Bill in Chy

Reid Evans

Bonds Enclosed

1895 2nd May Rules bill
 filed. Sumo 2nd ed & Dr
 Next taken last Monday
 11 1st June rules Dr. A
 Confd

Journal of the

\$141.75

One day after date I promise to pay
to C. M. Hill one hundred and forty one dollars
and seventy five cents being the residue of
the purchase price of land for value received
witness my hand and seal. This 21st day of January
1891.

Reid Evans Seal

A

Reid Evans
Monterey 14.75

To the Hon W. J. Miller Judge of
the Circuit Court of Lee County.

The Amended & Supplemental Bill
of H. C. Anderson admor. To a
bill filed by him against Reed
Evans, - By the answer of the said
Evans he asserts that Samuel
Robinet lays claim to about ten
acres of said land. Your Com-
plainant is advised that it is
necessary therefore in pursuance
of a decree rendered at this term
that he should make said Robinet
a party hereto that he does. But he
alleges that said Robinet has no
valid claim to said land, and that
such claim is only pretence. The
defendant has had a deed to
said land & been the peaceable pos-
session thereof, since 1871, and the
said Charles M. Hill has no had
the possession thereof for more than
20 years so that there can be no
question of title arise. The fact
is it is no doubt, a mere pre-
tence for time. The prayer of this
bill therefore is that, Samuel Robinet
be made a party defendant to this
bill, and answer the same & set up any
claim he may have thereto & for all
other, further & general relief may
supervise.

Prudent Service

F. C. Andersen

vs
Amended
Bill.

Reed Evans et al

1896 2nd Feb'y rules & paid
D & S

" 1st march rules taken
the last Monday in
Feb'y D & S Conf'd & cause
set for hearing

To the Hon. W. T. Miller, Judge of the Circuit court of Lee county:

The demurrer and answer of Reed Evans to a bill exhibited in this Honorable court against him by F. C. Anderson, administrator of the estate of C. M. Hill, deceased. Your respondent says that the said bill is not sufficient to call upon him to answer in this Honorable court, but that the same is subject to demurrer, which he does not waive, but should other and further answer be required of him, answering he says:

It is true he executed the note mentioned in the bill and filed with the same as part payment of the tract of land in the bill mentioned, which was sold to your respondent by C. M. Hill in his life time. It is also true that C. M. Hill executed and deliver to your respondent a conveyance to a certain boundary of land, as will more fully appear by the said conveyance herewith filed as part hereof marked "D".

Now your respondent alleges that one Samuel Robinett claims to have title paramount to the said Hill to a certain tract, or part of this same land which was so sold and deeded to your respondent, to wit: about ten acres, bounded, as per the plot with the said deed, as follows: beginning at two white oaks in a Gap, thence with the Greer line N. 87 W. 80 poles to a black oak, thence S. 26 W. 10 po. to a chestnut oak thence S. 40 E. 36 po. to a beech, thence to the beginning in the Gap.

Your respondent alleges that he had no intimation of the claim of the said Robinett until long after the said deed had been delivered to him, and not until he was notified both verbally and in writing, ^{by said Robinett} not to cut timber thereon, or in any way to use the same, and that if he did not deliver possession the said Robinett would bring against him an action for the recovery of the same. Your respondent alleges that this tract of land so claimed by said Robinett is very valuable, having thereon valuable mineral. Your respondent further alleges that should he be left to his warranty by his vendor in the said deed, he would be unable to repair any injury or loss which he would sustain, ^{sue for or} should the said Robinett recover the said tract of land or any part thereof which he claims as aforesaid. Because your respondent alleges

26 that the estate of his vendor, the said Hill, is about to be insolvent,
27 so that his warranty would avail him nothing, in case of loss.

28 Now your respondent prays your Honor to either appoint a
29 commissioner to inquire into and ascertain the state of your respondent's
30 title, or take such steps as may insure him against irreparable in-
31 jury; and that the said commissioner, should your Honor appoint one,
32 be required, should he find that the said Robinett has title to the
33 said tract of land or any part thereof, to ascertain what offset he
34 should have against the note on which this suit is brought. Because
35 your respondent is and has been ready and willing to pay this note
36 so soon as he can be secured in the title and possession of the land
37 which he has bought.

38 If mistaken in the relief here asked, your respondent asks
39 that your Honor grant him such relief, as the equity of his case will
40 permit. ^{and if necessary that this be taken & treated as a cross bill.} Having fully answered he prays to be hence dismissed, &c.

On, Plaintiffs' Petition,
for Respondent.

The within answer from line 7
down in closing down to 38 is excepted
to, because it sets up no legal defense
to this action. This Nov 12th 1895 -
Pridmore Sewell
for Plaintiff

To the Honorable W.T. Miller Judge of the circuit court of Lee County:

The answer of Samuel Robinett to a bill and amended bill exhibited against him and Reid Evans by F.C. Anderson Admr. of C.M. Hill deceased.

Respondent says that he purchased what is known as the John A. Moore land at a judicial sale made pursuant to a decree of this court made in the Chancery cause of A.R. Neal vs. Emmett and John A. Moore, after first having purchased the same from the said Emmett Moore, that at the time he purchased the same he was shown the lines thereof, and the lines of said land as thus shown him embraces about 10 acres of the land claimed by the said Evans, and he alleges that his title to the same is paramount to the title under which the said Evans claims, ~~that~~ that is he alleges that the title under which the Moores claimed said land is paramount to the title under which the said Hill claimed the same. The part of said land which thus belongs to your Respondent, is shown by the answer of the said Reid Evans. Your Respondent is unable to file any deed for the reason that none has yet been made to him. And now having answered respondent prays to be hence dismissed &c.

Samuel T. Hyatt
for Sam Robinett

Reid Evans & others
ads } Answer
 } of
 } Samuel Robbitt
F.C. Anderson admr

1 F. C. Anderson Schur &c. Plaintiff
2 against } In Chancery.
3 Reed Evans Defendant

4 Upon the calling of this cause it was admitted
5 in Court by plaintiffs Counsel. that the debt and
6 Costs have been fully paid and settled by the
7 defendant, and the defendant being the owner of
8 the land sought to be subjected to the payment
9 of the plaintiffs claim and no sale of the same
10 having been in fact fully consummated, it is
11 ordered that the cause be stricken from the docket.

F. C. Anderson Shurt &c.

vs { Deere Final
3
Deed Errors.

Entered in C.O.B.
#8, page 237.

Enter this decree.

W. A. W. S. C. W.

Deer 12th 1906.

1 F. C. Anderson Admin

2 against

3 Reid Evans & others

} In chg

4 This cause came on again
5 this day & he heard upon the papers
6 formerly read & the report of Comr
7 Sewell filed July 20th / 900 to
8 which there are no exceptions
9 was argued by Counsel.

10 On consideration whereof said
11 report is confirmed & it appearing
12 that said purchaser Reid Evans
13 fails to complete his sale, D C S
14 Sewell, who is hereby appointed a
15 comr for the purpose, unless the said
16 Defendant pays the ^{cries} ~~recovery~~ herein
17 in 70 day from this date, will sell
18 said land or so much thereof as may
19 be necessary to pay said recoveries.

20 He will make sale thereof at the porch
21 door of the Court House on some Court
22 day by public outcry to the highest
23 bidder on a credit of 6 & 12 months
24 except so much as may be necessary
25 to pay costs & commissions of sale, which
26 he will require paid in hand and
27 for the deferred payments he will take bonds
28 payable to himself as comr. bearing interest
29 from date. He will execute a bond before
30 the clerk of this court in the penalty of
31 \$300⁰⁰ conditioned according to law.

32 He will report his action to a future
term of this court & the cause is continued.

F. C. Anderson Adm

vs. Deere

Reid Evans & others

Entered on City Order
Book No 6 Page 358

Enter this
Hawthorn
March 6th 1900

F. C. Anderson, Administrator, etc., Plaintiff.

Against (In Chancery.

(Decree.)

Reid Evans, ~~Defendant~~ Defendant.

This cause came on again this day to be heard upon the papers formerly read therein, and the report of M. G. Ely, Commissioner, filed in the cause May 31st 1897, and exceptions to said report filed in the cause June 10th 1897, and written on a separate paper, and was argued by counsel. On consideration thereof, it is adjudged, ordered and decreed that said exceptions in so far as they relate to the failure of the Commissioner to designate and fix the boundaries of the land found by him as belonging to Robinett are sustained, and all other questions raised in said exceptions are passed for the present, but for reasons appearing to the Court it is adjudged, ordered and decreed that said report be and is hereby re-committed to said Commissioner with instructions to definitely ascertain the amount of the land found by him ^{if any after further investigation} in favor of Robinett and fix ~~the~~ boundary and designate the boundaries thereof, and for this purpose, if necessary, he may employ a competent surveyor, and said Commissioner will make and file with his report his affidavit showing the time he ~~has~~ has been actually engaged in taking the account and making his reports in this cause, and he will hear any additional evidence either party may desire to introduce upon the questions submitted to him in this cause. And the cause is continued.

F. C. Anderson, June 28

28. } Decree

Reid Evans

En. C. O. B. No. 6. p 9 & 10

Enter this Decree

W. J. M.

June 12th 1897

1 F.C. Anderson admr.

2 against
3 Reed Evans & others }

4 On motion of the defendant Samuel
5 Robinett ^{by his attorney} leave is granted him to file his
6 answer which is accordingly done &
7 thereupon this cause came on this
8 day to be heard upon the Bill &
9 Amended Bill of the Plaintiff
10 the answer heretofore filed ^{the defendant} by Reed
11 Evans & the answers of Samuel
12 Robinett with general replication to
13 said answers were argued by Counsel.
14 On consideration whereof it is adjudged
15 ordered & decreed that W.G. Ely
16 who is appointed a Commissioner for
17 the purpose do investigate & report
18 upon the state of the defendants
19 title to the tract of land in the papers
20 mentioned to which the defendant Reed
21 Samuel Robinett claims title & whether
22 or not his claim is valid & his
23 title better to said land than Reed
24 Evans' ~~as made by C. Mr. Hill~~ & the
25 value of any part claimed by said
26 Robinett ^{the contract price for} as compared with the whole
27 tract ~~as to said land~~ ^{as} ~~made by C. Mr. Hill~~ ^{by} agreed to ^{be} paid by said Evans.
28 Said Comm. will give the parties due
29 notice of the times & places of his sitting
30 & report his action to this court & this
31 cause is continued.
32

F.C. Anderson adms

vs } Decur

Reed Evans & others

Nov. 1. 1896.

Entered in Chy. C.P.
No. 4 p 488-7.

3.71
50
2.50
6.71

Enter this
w. fm
Nov 11 1896 -

H. C. Andersen adms

Reed Evans.

} In Chy.

On motion
of the plff, it appearing from
the defendant's answer that
Samuel Robinson claims an in-
terest in the land in the will men-
tioned, leave is granted him to so
amend his bill as to make said
Robinson a defendant thereto.
And said amended Bill being
this day filed, process may issue
thereon, and said Robinson is re-
quired to come in & assert his
claim to said land or abandon
the same as he may be advised.
And the cause is continued.

F. C. Anderson

v} Decree of
Amendment

and Every

Nov. 7. 1895

O.B.O. 307

Enter this
Nov. 15th 1895

M. J. M.

Virginia

At a Circuit Court Continued and held for Lee County at the Court-house thereof on Wednesday the 10th day of November 1897.

F. L. Anderson Adm^r & Plaintiff

vs

Reid Evans et al

In Chancery
Defendants

This Cause came on again this day to be heard upon the papers formerly read, and the report of M. G. Ely, Special Commissioner, the first filed May 31st 1897, and second filed October the 1st 1897, and exceptions thereto, and was argued by Counsel. On consideration whereof it is adjudged ordered and decreed that the plaintiff F. L. Anderson Administrator of L. M. Hill deceased recover from the defendant Reid Evans One hundred and fifty two dollars and Seventy five cents, with interest on one hundred and forty one dollars and Seventy five cents, part thereof, from January 22nd 1891, till paid; and on ten dollars, another part thereof from the 28th day of January, 1896, till paid, Subject to a credit as of the date of said first note for the loss of of five acres of land at Seven dollars per acre, or thirty five dollars And the Costs of this Suit, except the Costs incurred in the ascertainment of the quantity of land above described, which

Said Costs shall be borne and paid by the plaintiff, including a Commissioner's fee and such legal costs as the said Reid Evans has paid and expended on said issue. The plaintiff will give him credit for on the recovery herein, and the exceptions to said Commissioners report are overruled in so far as they are not consistent with this decree. And it is adjudged, ordered, and decreed that Samuel Robinett take and hold free from the claims of the other parties the said five acres, as shown by the Surveyors report filed herewith, which plat and report are on file in this Cause. And said report is confirmed in so far as not herein modified or changed. It is therefore, adjudged ordered and decreed, that unless the said Reid Evans or some one for him shall within thirty days thirty days from this date, pay the sums herein adjudged to be paid by him, and which are adjudged to be liens upon said lands, then D. C. Sewell who is hereby appointed a Special Commissioner for the purpose will sell said land in the bill mentioned, or so much thereof as may be necessary to pay the same. He will make sale thereof at the front door of the Court-house of this County, on some

Court day, by public outcry to the highest bidder, on a credit of one and two years time, except so much as may be necessary to pay the Costs and Commissions he will require paid in hand, and for the residue take bonds payable to himself bearing interest from day of Sale, with approved personal Security. But before proceeding to advertise or execute this decree, he will execute bond before the Clerk of this Court in a penalty of two hundred and fifty dollars conditioned to duly perform his duties hereunder, as the law prescribes. He will report his action to this Court at its next term; And the Cause is continued.

A Copy: Teste A B Munsey Clerk

⁸
F. L. Anderson Adm
no} Copy of Decree
Reid Evans

Executed Dec 6th 1897
By delivering an attested
office Copy of the
Within Decree to
D. C. Sewell in Le Co^{no}
W. P. Weston S. L. C.

Copy for D C Sewell

Cluck 1.50

X

The depositions of John M. Tate

taken before the undersigned Commissioner, in
taking an account or making an enquiry in
the Chancery Cause of F. C. Anderson Schurte
vs Reid Evans, at the Law office of Orr &
Blankenship in Jonesville Va. Feb 5th 1877.

Present - D. C. Senell Counsel for Plaintiff,
James W. Orr of Counsel for defendant, and C. F.
Duncan Counsel for Samuel Robinett.

The said John M. Tate being duly sworn deposes
and says.

Ques. 1. Are you a practical surveyor, if
so how long have you been such?

Ans By witness Yes sir about thirty five years.

Ques. 2. Please state what knowledge you
have of the boundary lines between the
lands of the late John A. Moore, ~~now~~
claimed by Samuel Robinett and the
lands formerly owned by C. M. Hill de-
ceased and now claimed by Reid Evans
and if you state you are acquainted
with said division lines please state
how you became acquainted with them.

Ans By witness. The knowledge I have is by survey
run by Bearings produced by ~~Samuel Robinett~~
now claimant of the late Jno. A. Moore's
land. I ran for Mr Robinett some years ago
preparatory of his taking a deed for the Moore
land. Some years ago I ran for Mr C. M. Hill
and Reid Evans, a plat of which will be
found in deed from C. M. Hill & wife to said

Evans Marked. Exhibit D, containing 88 acres
I ran this tract for said parties Hill & Evans
when Evans made the purchase of Hill.

After I ran for Hill & Evans, some years there-
after said Robins as above stated employed
me to run his purchase of the Moore farm.
in making the survey for Mr Robins I found
that his papers exhibited to me cut off about
eight acres (as well now as I mind) of the land
that said Evans purchased of C. M. Hill and
run out by myself according to said C. M. Hill's
showing

q. 3. In running for Samuel Robins
please state, if you ran by any old title
paper or copy thereof, if so, state what
paper it was and the date thereof as
nearly as you can remember, and in
this connection state who has said
paper now.

A. 3. I ran from copy of some title paper
and from the envelope it was in I supposed
it came from Richmond Va. I cannot now
state what it was a copy of, but my best im-
pression is now, that it was a copy of a Patent
in the name of a Ariston, called The Ariston
Survey. After I did the running for Mr Samuel
Robins I made a plat of the running I done
and sent the paper and the plat I made
to said Robins.

q. 4. During the lifetime of John A. Moore and
while he was in possession of the land now

claimed by Samuel Robinett, did the said Moore ever point out to you the division line between his land and the lands of L. W. Hill or did he ever tell you where his lands were, if so please state what he said about it and where he said, that said division line ran?

Ans By Witness. I ran what is known as the Green line for said Jno. A. Moore. Some several years before his death, and ran to a point shown in the plat in exhibit - D. to two whiteoaks The Green line on that end of the Moore land was the South line of the Moore land, and as well as I mind the north line claimed by Moore at that time was the Preston line, but I did not run the Preston line for said Moore.

Ques. 5. At the time you did that surveying for J. A. Moore was L. W. Hill present

Ans - If he was I now don't mind.

Ques. 6. Will you take the plat exhibit D with Rib Evans answers and words as nearly as you can, where the Preston line runs, and designate it on said Plat the "Preston line"

Ans I have marked a pencil line through the Plat which is not far from where the Preston line will pass through Evans purchase from Hill

Ques. 7. If you ever heard Emmet Moore state to what point he sold to Samuel Robinett please state what point he said he sold to.

Ans - I have heard Emmet Moore claim he only

Sold to the top of a ridge. The ridge is north of a point on said plat Exhibit 8. from a chestnut oak about 31 poles is my recollection and the top of said ridge is a little bit ~~South~~ of the pencil line or the Preston line.

Robinson was not present when Emmet Moore claimed he had not sold any further than the top. Emmet Moore claimed to the Preston line and remarked that all the land north of the top of said ridge was his.

This question & answer is objected to be cause made while not in possession & after he had sold to Robinson & because hurriedly & not made by any party to this suit.

PVT for Admr.

Ques 8. Suppose the sale by Moore to Robinson was to the top ^{of the ridge}, how much of the Reed & Co's land would be included in the sale by Moore to Robinson?

Ans.

About five acres is about my guess.

- & Examined by Plff.

Where & from what papers did you run the Preston line?

Ans -

I can't state just how long it has been since I first ran the line. The first time I ran the Preston line I ran from a paper C. M. Will gave me and for said Will.

May. A. J. Livingston hearing of my running for Will stated to me that I had not started right and that he had the Preston courses and plat, and from the Bearings & Plat

furnished me by Livingston I ran the ^{second} time and the last time I ran from a copy as above stated furnished by Saml. Peabody.

Do you know that any of these parties furnish you the correct calls of the Preston survey?

Ans - I cannot.

Did you make the plat & survey shown by exhibit "D" with Evans answer? If so, please state from whose papers you ran the same?

Ans I did, and ran from Hill's and Hills showing.

Who is in possession of the land in dispute?

Ans Mr. Evans.

Who put in possession?

Ans C. M. Hill.

How long has he been in possession?

Ans Something near ten years is my recollection. Who was in possession prior to Mr. Evans?

Ans - Mr. C. M. Hill I suppose.

Was he claiming it as his own?

Ans He showed me the land as his and from his showing I ran it out for Evans.

How long was he in possession of it?

Ans I can't tell.

Give your best estimate?

Ans

on the East end of the Hill farm where his domicile or residence is he was in possession of that part in 1861. as for the west end where he sold Evans I only know he claimed possession of that part when I did the surveying.

Do the Evans' land ^{or any part thereof} cleared & fenced?

Ans

It is.

What part?

Ans -

I can't tell enough about that for I have not been over the land since I surveyed ten years ago only the part in dispute.

What part in dispute of the Evans is cleared & fenced?

Ans -

Well my best impression is about three acres.

Who cleared it?

Ans -

I suppose Mr Evans.

Was any of it cleared before Mr. Evans got it in possession?

Ans

I think there was but I cannot state how much.

Who was in possession of it when you ran it preparatory to making Mr. Evans a deed?

Ans

Hill I suppose, Hill was claiming it and showing it as his land.

Was Mr. Jos A Moore living when you made the survey for Hill preparatory to making Mr Evans a deed therefor?

Ans. yes sir.

+ Examined by Evans Counsel.
Ques 1 Do you know the fact that C. M. Hill was in possession of the land in controversy at the time he sold to Evans, or did you simply suppose he was in possession from the fact that he showed it to you as his and had you to survey the tract and embraced it in the deed you wrote for him to Evans?

Ans. the way I know was he claimed and showed it to me and had me to run it out for Evans.

Ques 2 Was any of the land in controversy fenced at the time Evans purchased it?

Ans - I just can't state.

Ques 3 What is the land in controversy claimed by Reliant worth per acre?

Ans - If I had the Balance of Evans claim I would not take less than One hundred dollars for the disputed part.

Ques 4 Is there not some mineral on the disputed land that is claimed to be valuable?

Ans. There is said to be and there has been considerable prospecting and digging. But as far as I know can't state.

X Examined by Plff

Do you mean to say in answer to question 3 by Evans Counsel that the land in dispute is worth \$100⁰⁰ per acre or what do you regard its worth per acre?

Ans - I mean if I had Evans farm I would

not like to take less than \$100.00 but the land per acre I could not value it - that high say 7 or 8 dollars for the timberland and 12 or 15 for the cleared.

How much is cleared & how much in timber ~~on the~~ south of the top of the ridge & how much cleared & how much in woods on south of the so called Preston line?

Ans - There is about 3 acres on the south of the top of the ridge and more cleared about 3 on the north side and all cleared except some under brush about the fence.

Is the land in dispute about average land of the Evans purchase from Hill or is it better or not so good?

Ans - I cannot state whether it is an average or not. I have never been over the Evans land only on the lines.

Is it not a fact that the land on top & near the top of the ridge is thinner & not so good as that lower down?

Ans - Well Sir in particular instance the land lying on the south of the top and some distance south is a fair grade of land but east of this point the ridge is narrow and at this point there is a kind of flat as is termed on the ridge.

~~Please do not say anything, it is not a fact that the land at the place in dispute is on top of the ridge & near the top is rocky, thin & of little value?~~

Ans - I can state just on top of the ridge is a very narrow strip probably not more in places than one foot wide is very rocky and not fit to cultivate, but on either side the land is not so bad and of better quality can be cultivated. Is it not a fact that there is another ridge or point claimed as the top of the ridge at this place other than the one you have spoken of?

Ans No, Sir
Is there not a spur on top of a ridge at this place other than the one you speak of?

Ans Will Sir going east on the graver line south of the top of the ridge we cross a swag and ascending on the east side of the swag we top a spur of the ridge coming up from the valley south of the top of said ridge going on east on the graver line from the disputed land we follow this spur to its base on the south of the ridge.

What interest have you in this case that you answer promptly

positively matters in Evans favor
& explain & not answer / so
positively the others?

Ans

I am not interested in no way have
no interest whatever in the matter.
have not answer as you state. I have
answered every question you asked
just as I understand it;

Well, I will try to make myself
plain, is there a spur or point
on top of a ridge
near this disputed land other
than the one you have been
calling the top?

Ans -

There is a spur and it has a top
but not the top of this ridge.

Now taking the top of this spur
as the top of the ridge, & supposing
that Hill claimed & owned the land
to the top of this spur, would any
of the land in dispute be on the
south of said top?

This question and any answer thereto is excepted
to, because based on a hypothesis not existing
and because the witness has answered this
inquiry already and more than once, and the
reflection on the witness is unfounded.

Dir. for Deft.

Ans.

I tell you again Mr Sewal that the
top of this spur is not the top of the
ridge. Where we top this spur going
East on the South line of the disputed
land. we then on the disputed land

run across the top and still further
on the south side of Sain ridge. and
then we turn and go toward the
top of Sain ridge crossing another
sway. we approach the top of Sain
ridge again at 31 fms. This spur that
you speak of is nearly at right angles
from the top, on the south side of
Sain ridge. all the land lies north
of where we top this spur i.e. N.W. &
N.E.

And further more this depends said
not.

Witness

Jno. M. Tate

Claims 1 Day.

2 Hinges & 14 miles

F. C. Anderson admin-
istrator of
J. M. Tate
Rud Evans et al

(1)

F. C. Anderson Administrators of C. M. Hill
decd. vs. Reid Evans. In the Chancery
Court of Lee County Virginia.

Deposition of Thompson J. Horton & H. E. Jordan
M. C. Williams R. G. Lindsay and H. P. Arlington
Taken by agreement of Parties, before me
Jno. M. Tate a Notary Public of said County
at the Dwelling-house of Reid Evans, in said
County on the 10th day of May 1897. or com-
menced on the same day. Which Evidence when
taken are intended to be read as evidence on
behalf of the Defendant, "Reid Evans" in the
above styled suit, now pending in said
Court at Jonesville Lee County Va.

May the 10th 1897.

Jno. M. Tate N.A.

Thompson J. Horton a witness of lawful age
being duly sworn deposes & says.

1st Q. By Defendant. What is your age and
where do you live: How far from the land
in controversy?

Ans. By Witness. I am about 37 years old.
I live about one mile;

2nd Q. By same. Are you acquainted with
the land in controversy, and if so, how long
have you known it?

Ans. By Witness. I am, and have known
it for about twelve years.

Q^u. 3rd. By Same. Did you ever hear Col. John

A. More claim this land?

Ans By Witness; Yes Sir,

Q^u. 4th By Same. What do you consider the price of land worth in controversy, compared with the residue of the tract, and situated as it is with reference to the other portion of the tract?

Ans By Witness. Two hundred dollars is as little as I could put it,

Q^u. 5th By Deft. If the price in controversy was cut off how near would the cut off be to the Defendants' dwelling house?

Ans By Witness; Well I believe it is about 75 yds.

Q^u. 6th By Same. Is it not a fact that the land in controversy if cut off from the residue of said tract, would take the Defendants most valuable and convenient firewood and timber, for other purposes?

Ans By Witness. I think it would, Sir,

Q^u. 7th By Same. Was or not this land in dispute or a part thereof cleared when the Defendant purchased the same from C. M. Hine

Ans By Witness. I ^{don't} think it was, Col. J. A. More showed me about or near the place where I have been shown the line was recently run, and More showed me the line was just inside the fence or north of the fence.

And further more this defendant said not.

J. J. Norton

H. R. Tomlinson an other witness of lawful age being duly sworn deposes & says.

Q^u. 1st By Deft. How old are you and where do you live?

Ans By Witness I am fifty five years old, and live about one half mile from the land in controversy in Lee co. Va.

Q^u. 2nd By Same. Are you acquainted with the land in controversy, and if so, how long have you known it?

Ans. By Witness. I am and have known it about eleven years.

Q^u. 3rd By Same. Did you ever hear Col. Jno. A. More claim the land in dispute?

Ans By Witness. Not that I remember.

Q^u. 4th By Same. Did you ever hear Emonie More claim the lands.

Ans By Same. I think not.

Q^u. 5th By Same. If the price of land in controversy was cut off from the residue of the balance of the Defendants land, how far would it be from the Defendants dwelling-house.

Ans By Witness. Well Sir about 75 yds. I suppose or something like that.

Q^{ue} 6th By same. Is it not a fact that the land in controversy, if cut off from the residue of said tract, would take the defendants most convenient firewood and timbers for other purposes?

Ans By witness, It certainly would Sir.

Q^{ue} 7th By same. Was or not this disputed land cleared or any part thereof, when the defendant purchased it of C. M. Hill?

Ans By witness, I think not I helped to roll the logs and burn and chop it,

Q^{ue} 8th By same. What do you consider the price of land in controversy reasonable worth compared with the residue of the tract, and situated as it is with reference to the other portion of the tract?

Ans By witness. Two hundred and fifty dollars.

4. Examination

Q^{ue} By Complainant. Please state as near as you can. The number of acres in dispute.

Ans By witness About eight or ten acres or more that I suppose about that many.

And further more this deponent saith not.

H R Tomlinson

The further taking of these depositions are postponed until the 11th day of May 1897 at the Store-house of J. A. Manns in Lee County Va. at 1 O'clock in the P.M. by agreement of parties.

May the 10th 1897

Jno. M. Tate N. P.

Met- pursuant to adjournment and by agreement Moved just across the street to the Porties of J. A. Manns Sewelling-house some 30 feet from the Storehouse May the 11th at 1 o'clock in the A.M. 1897.

Jno. M. Tate N. P.

M. L. Williams another witness of lawful age after being duly sworn. deposes & says.

Q^u 1st By defendant. — How old are you and where do you live.

Ans By witness. I am 43 years old and live on the late Jno. A. More farm. now owned & claimed by Samuel Robinson.

Q^u 2nd By same.

Are you acquainted with the land in controversy, and if so how long have you known it?

Ans By witness. I am, have known it some ten or twelve years.

Q^u 3rd By same.

(over)

~~What do you consider the price of land~~
 Did you ever here More's, either the Col. J. A.
 or Emmit More claim said land.

Ans By Witness I don't that I did that land
 there.

Q^u 4th By Same. Did you or not bring the
 defendant Reid Owens a notice from Samuel
 Robinson, who purchased the More land, to not
 work any more on this disputed land. If so
 how long has it been since you delivered the
 notice to the defendant?

Ans By Witness, Yes Sir I brought a notice
 and give it to the defendant. My best im-
 pression it has been some three or four years
 ago.

Q^u 5th By Same. If the price of land in contro-
 versy was cut off, how near would the cut off
 be from the defendant's dwelling-house.

Ans By Witness, It would be about 75 or 80
 yds I guess.

Q^u 6th By Same. Is it not a fact that the land
 in controversy if cut off from the residue of
 said tract, would it or not take away from
 the defendant his most convenient firewood
 and timber for other purposes.

Ans By Witness, Yes Sir.

& Examination by Complainant.

Q^u 12th By Complainant.

(over)

You will please state what the defendant said
 when you handed him the notice from Mr Samuel
 Robinson

Ans. By Witness, I don't recollect what he said
 about it.

Q^u By Same. Has he (the deft.) used and pulled
 timber away from the premises since you
 handed him the notice.

Ans By Witness, I don't know.

Q^u 3rd By Same. Did you or not ever hear Col.
 More claim that land on the north side of
 the ridge up there

Ans By Witness, No Sir.

Q^u 4th By Same. You stated you was acquainted
 with the land in dispute, how much is the
 land in dispute worth?

Ans By Witness, Well Sir I don't know.

And further this deponent said not.

M. C. Williams

H. P. Arington an other witness of lawful age
 after being duly sworn deposes & says

Q^u 1st By Deft. How old are you and how
 far from the lands in dispute.

Ans By Witness, I am 36 years old and
 live about 3 miles from the premises.

Q^u 2nd By Same. Are you or not acquainted
 with the land in controversy. If so how long have
 you known it.

(over)

Ans By Witness I am. The first time I was on the land was in the year 1883.

Quc 3rd By same. If the price of land in controversy was cut off how near would the cut off be to the Defendant's Dwelling house.

Ans By Witness. I guess something near 75 or 80 years.

Quc 4 By same. Please State whether or not you ever had any conversation with C. M. Hill about the land in dispute if so what did he say, and how long ago has it been?

Ans By Witness. Yes Sir about 13 years ago I went there to purchase the land. He shown me the line a good distance from the top of the ridge on the South side. He shown me further down on the side of the ridge than is the present line now in dispute. He proposed selling me the land farther than line he sold ^{according to Eripos showing.} Eripos, and proposed making me a general Warranted deed to it.

Quc. 5th By same. Is it not a fact that the land in controversy if cut off from the residence of the tract now owned by the Defendant, would take the most convenient fire wood and timber for other purposes?

Ans By Witness It would Sir.

Quc 6th By same. What do you consider the price of land in dispute reasonable worth compared

(over)

with the residue of the tract, and situated as it is with reference to the other portion of the tract.

Ans By Witness. Well Sir I would not want it cut off at all. I would not have it cut off for less than two hundred dollars, and I would not want it off at that.

And further more this deponent saith not.

H. P. Brington

C. C. Roberts an other witness introduced by the Defendant not stated in the Caption of lawful age and being duly sworn deposes and saith.

Q^{ue} 1st By Self. Please state your age and how far you live from the lands in dispute. I am some where in Sixty I do not know my age exactly. I live about three miles from the premises in Lee co. Va.

Q^{ue} 2nd By Same. Are you acquainted with the land in controversy, and if so how long have known it.

Ans By Witness. I am, have known it a long time twenty years I guess.

Q^{ue} 3rd By Same. Did you or not ever hear Col. J. A. More or Emmitt More claim the land.

Ans By Witness. Well I heard Emmitt More say at one time that Mr Hill did not come any further than the top of the ridge.

Q. 4th By same. If the piece in controversy was cut off how near would it be to the dwelling house of the Defendants.

Ans By Witness. It looks like it would be about 75 yds.

Q. 5th By same. If the piece of land in controversy was cut off from the residue of the Defendants other lands, would it not take the most convenient timber for firewood and other purposes.

Ans by witness yes sir

Q. 6th By same. What do you consider the piece of land in controversy reasonable worth compared with the residue of the Defendants tract and situated as it is with reference to the to the other portion of the tract;

Ans By Witness. Two hundred dollars.

And further more this deponent saith not.

C. C. Roberts

H. P. Arrington recalled on an important fact omitted in chief examination which the examiner did not understand.

Q. 1st By Defendant. Please state any thing you may know about Col. John A. More claiming the land how you know it, and how long ago has it been since you known of the fact.

Ans. By witness. I only know it by L. M. Hill telling me. when I was there to purchase

the land some 13 years ago Hill showed me the line as before stated, some distance south of the top of the ridge, and said to me that More claimed the land but that if I bought it he (Hill) would make me a warranted deed to it;

And further more this deponent saith not.

H. P. Arrington

Isaac J. Willis another witness called in not stated in the caption, by the Defendant and of lawful age and being duly sworn deposes & says.

Q. 1st By Defendant. Please state whether or not you ever heard Mr L. M. Hill say that Col. Jno. A. More claimed the lands in controversy if so when was it, and all you may about it;

Ans By witness. Well Sir it was the same time Mr H. P. Arrington had reference to about 13 years ago. Arrington Mr Hill, and myself was together walking along on the south side of the ridge, Hill was showing us the land in view of selling to us. showed us the line on the south side of the ridge can't state now just how far. but said to us that Col. John A. More claimed the land. but if we bought he would make us a warranted deed to

(over)

the line he shown us on the south side of said ridge.

(X Examination by Complainant
Q^{ue} 1st By Complainant.

Will Mr Hill tell you how many acres were claimed on the south side of said ridge.

Ans. By Witness No sir not that I recollect of. but said he would make us a deed to where he showed us which was some distance on the south side of the ridge.

Q^{ue} 2nd By Same About what do you think that land where Mr Hill showed you, is worth per acre.

Ans By Witness. At that time and the way I looked at ^{it}, then I could not value it at more than one dollar per acre.

And further more this defendant saith not,
Isaac J. Will's

R. G. Lindsay another witness of lawful age after being duly sworn deposes & saith.

Q^{ue} 1st By Defendant. — What is your age and where do you reside. how far from the land in controversy.

Ans by witness. I am thirty five years old I live about two miles from the premises.

Q^{ue} 2nd By Same. Are you acquainted with the land in controversy. if so how long have
(over)

you know it.

Ans by Witness. yes sir, and have known it about fifteen years. My Brother John & I was once talking of buying it.

Q^u 3rd By same. Was any part of this disputed land cleared when the Defendant (Evins) purchased it of C. M. Hill.

Ans. by Witness. I think not.

Q^u 4th By same. If the piece of land in controversy was cut off from the residue of the Defendants other lands, how far would ^{the} cut off be from the Defendants dwelling-house.

Ans by Witness Well sir I guess from 60 to 75 yds. if the line runs where Mr Evins showed me.

Q^u 5th By same. Is it not a fact that the land in controversy, if cut off from the residue of said tract, would it or not, take the most convenient timber for fire wood, & other valuable timber.

Ans by Witness It would.

Q^u 6th By same. — What do you consider the piece of land in controversy reasonable worth compared with the residue of the tract and situated as it is with reference to the other portion of the tract.

Ans by Witness. I would consider if the land

was cut off from the other lands, that the damage would be much greater than the land is really worth. If it was mine and situated as Mr. Evans is, I would not have it cut off for any less than two hundred and fifty dollars (\$250⁰⁰) and would not like to have it cut off at that, taking every thing in consideration the timber and outlet, passway &c.

And further more this deponent saith not
R. G. Lindsay

State of Va. } I Jno. M. Tate a Notary Public
Lee County } of said County do certify that
the depositions of Thompson J. Horton
H. B. Tomlinson M. L. Williams R. G. Lindsay &
H. P. Arington as stated in the caption, and
C. C. Roberts and Isaac J. Willis not stated, but
afterwards introduced by the Defendant, was duly
taken before me sworn to and subscribed by
them and was reduced to writing by me
in the presence of H. B. Anderson Plaintiff and
Reid Evans Defendant, Notice being waived
as stated in the caption and subsequent
adjournment, and that the same has not been
altered or changed since taken and that I
seal them up and deliver them to Reid Evans
and mark across the seal my official signature
and direct them to the Clerk of the Circuit

court at Jonesville Lee County Va.
with the following Bill of cost.

Thompson J. Horton Witness 1 Day.	50
H. B. Tomlinson " 1 "	50
M. L. Williams " 1 "	50
R. G. Lindsay " 1 "	50
H. P. Arington " 1 "	50
C. C. Roberts " 1 "	50
Isaac J. Willis " 1 "	50
Notary fee first day 4 hours at 75¢.	3.00
" " Second " 5 " 75¢	3.75
Total.	\$10.25

Given under my official signature
May the 11th day 1897.

Jno. M. Tate N. P.

Received Sealed
in good Condition
Filed this May 13th 1897.
A. B. Munsey Clerk
by S. V. F. Richmond D.C.

2
1

Best Owners.
also copied
H. D. Anderson & Son
of

The deposition of A. J. Livingston
 taken before the undersigned justice
 of the peace for the county of Lee and state
 of Virginia. Taking on account or making
 an enquiry in the chancery cause
 of F. L. Anderson, Admr. &c vs. Reed
 Evans at the dwelling house of F. L.
 Anderson, on Blackwater N^o March the
 18th 1897. Present, F. L. Anderson Plaintiff
 and Reed Evans, defendant and by
 the agreement of all parties.
 The said A. J. Livingston being
 duly sworn deposes and says.

ques. 1 please state how old you are

Ans I am eighty years old.

ques. 2 what is your occupation

Ans. I am a farmer

ques 3. are you acquainted with the
 land now in controversy

Ans I am.

ques 4 how long have you been acquainted
 with ^{the} land in controversy.

Ans. about 53 years

ques. 5. did you and Henry Lawson ever
 own the lands which belonged to
 C. M. Hill, Moor & Robinett & Evans.

Ans We owned all the land together

2

except the Testamon Tract and a entry made by Gawsen. which was owned by Gaws.

q^{ues} 6 State what you know about the line between Moore & Hill.

Ans. The Top of the Ridge was the line between them

q^{ues} 7 did Moore ever own the Testamon land or the Gawsen entry.

Ans he did not.

q^{ues} 8 ^{the} whoe is ⁱⁿ possession of the Hill land now.

Ans. Joseph Hackney & Bell. Chudler & Reed Evans.

q^{ues} 9 ^{the} from whom did Evans purchas his land off.

Ans. from Mr. Hill.

q^{ues} 10 ^{the} how long was Hill in possession of said land & claimed the same

Ans. about forty years.

q^{ues} 11 ^{the} did you ever hear the title of Hills land disputed

Ans no sir

q^{ues} 12 ^{the} pleas. State whether Moore ever claimed any land lying on the North side of the Ridge or not

Ans. Not that I know of.

3

q^{ues.} 13th Suppose the hold Evans tract to be worth \$400. what would the land on the south of the Ridge be worth per acre claimed by Rabinett ~~at north~~.

Ans. I would not consider it an average

q^{ues.} 14th what is the equality of the land along the top of the ridge is it as valuable as the land owned by Evans per acre.

Ans. The land along the top of the ridge is not as valuable per acre as the other land owned by Evans.

q^{ues.} 15th what would you consider the land in controversy worth per acre

Ans. I would think it is worth four dollars per acre.

q^{ues.} 16th please state whether or not there was any other line made between Moore & Hill only the line you speak of running along the top of the Ridge the same line you & Garrison made

Ans. Not that I know of.

q^{ues.} 17th when did you and Garrison commence your division line ^{your own} where did ^{branch} it

Ans. we commenced at the mouth of the ^{branch} near Ralph Hockneys house and up to the Cave Spring and due south to the

4

top of the hiest point thence Westwardly
with the top of the Ridge to the Green
line and with the same to the
Preston line thence North 56 E. to a
Stake thence N. 1. W. to a bluff on said
line Eastwardly to with the top of
said bluff to the old Corn Wright
line and with the same to the
Beginning

Ques 18th did or not all of the land
lying North of the top the Ridge
owned by you and Gowan sold
by Gowan to Rutherford & from
Rutherford to C. M. Hill.

Ans.

yes.

~~Q~~ and further this deponent
saith not.

A. J. Livingston

B. H. Livingston a nother witness
of lawfull age deposes & saith

Ques 1st what is your age

Ans. I am 52 years old.

Ques 2. are you acquainted with the land
in controversy

Ans. tolerably well

Ques 3 if so state what you ^{and its value} know about it

Ans. I would think it to be worth ^{about} \$300 per

q^{ues.} 4th do you know any thing about the line between Moore & Hill. if so please state what you know about it

A^{ns.} I have heard Mr. Hill & Mr. Moore talk about the line between them & have bin along the line with Moore & he claimed the top of the ridge to be the line between them & Mr. Hill also claimed the same to be the line between them

q^{ues.} 5th how long have you bin acquainted with said land

A^{ns.} about 40 years
and further this deponent saith nat
B H Livingston

The taking of the within depositions is hereby postponed from J. B. Anderson to H. G. Muncys dwelling house. in Lee county Va. This March 18th 1897

Thos. McPherson V. D.

Met according to postponement at the dwelling house of H. G. Muncys March the 19th 1897

Thos. McPherson V. D.

H. G. Muncy a witness of ^{being duly sworn} full age, deposes and says.

q^{ues} 1st. What is your age

A^{ns.} by witness, I am 62 years old.

q^{ues.} 2nd how long have you bin acquainted

6th

with the land now in controversy
between the Hill heirs & Reed Evans.

Ans. by witness, about 15 years

ques. 3rd does this disputed land join your land

Ans by witness. yes. sir

ques. 4 did you ever have the Greer line run.

Ans by witness. I did.

ques 5th was that line the line between you
and G. M. Hill

Ans by witness. yes that is. the Greer line is the line
between me & Hill. or Evans.

ques. 6th was Hill in possession of the land, at
the Greer line

Ans by witness yes sir he was. & sold timber to
me off of this disputed land to me

ques 7th what did John A. Moore say to you

Ans by witness. he came to where I was making shingles
out of the timber I got off of this disputed
land & ask me where I got the timber
& I told him that I got it up in the
head of the hollow & he pointed up to
a certain place & said he was full & dont
cut any timber any lower for that is my
land.

ques 8th did Moore claim the land where you
cut the shingle timber that you have
reference to.

17th

Ans by witness. no sir he didnt say any thing to me. about claiming it.

ques. 9th is there not two leading spurs near this disputed land

Ans by witness. yes sir there is one spur or Ridge

ques. 10th if the Green line runs parallel with the spur or Ridge ~~wood~~ would it not ^{give} "the disputed land to Evans."

Ans by witness. yes sir it would.

ques 11th what would this disputed land be worth per acre.

Ans by witness. about four dollars

ques 12th how long has it bin since you rented a piece of this disputed land of Mr. Hill.

Ans by witness. four teen years.

ques 13th was the timber that you speak off. south of the top of the Ridge.

Ans by witness yes sir it was. about two hundred yards on the south side of the Ridge

+ examined by Reed Evans.

ques. 14th do you not ^{where} my line comes to running south from my house

Ans. by witness no sir

ques 2nd do you not that ~~my~~ the shingle timber that you speak of is on my land

8th or not

Ans by witness. no it was not it was on the land. and by ~~Robert~~ Hill.

ques. 3rd do you no where the Preston line runs. through my field.

Ans by witness no sir.

ques. 4th how do you no that you tended apart of this disputed land fourteen years ago

Ans by witness. by you Evans showing me where the line run.

ques 5th was not this land in woods this side that is south of the line I showed you

Ans by witness There was about a acre cleared this side of the line I tended it in corn.

ques 6th was not the line I showed you about the stable or a little this side

Ans by witness it was near the stable

ques. 7th do you remember of Moors claiming some poplar timber sold to S. H. Lewis & son on that disputed land.

Ans by witness no sir I don't.

Witness claims and further this deponent saith not
1 day 50^{cts} Dr. A. L. Munsey.

The taking of the within depositions is hereby postponed from H. L. Munsey's dwelling house to F. C. Andersons in said county to commence taking on the 18th day of April 1897 again this March the 19th 1897

Chas. McPherson, U. P.

Met Pursuant to adjournment and
no. witnesses being present the
further taking of these depositions
is postponed until the 20th day
of April 1897. at the same place
this the 1st day of April 1897.

Thos. Mepherson J. P.

The further taking of these deposition
is postponed until the 20th of April 1897
on the disputed premises no witnesses
being present in the A. M. after meeting
pursuant to adjournment and by agree-
ment of parties.

this 20th day of April 1897. in
A. M.

Thos. Mepherson J. P.

Met Pursuant to adjournment on the
premises in the P. M. F. L. Anderson and
S. S. Surgeoner for the Aff. and Reid Evans
for the Def. being present.

April the 20th 1897. 4 o'clock in the P. M.

Thos. Mepherson J. P.

Jno. M. Tate an other witness after
being duly sworn deposes & says.

q. and. 1st and you now on the disputed land

Ans. I am for as Evans is concerned
qns 2nd how much disputed land is on the
North side of the top of the Ridge under
fence

Ans. My best impression about two & one
half acres.

qns 3rd how much mid-cleared

Ans. I think about one half acre on
side of the fence north of the top of
the ridge

qns 4th how much lying on the South side
I estimate about five acres.

and further this deponent saith not
Jno. M. Tate.

I Thos. McPherson a justice of the
peace as afore said do certify that
the foregoing depositions of Maj. A. J.
Livingston and B. H. Livingston and
Br. H. L. Muncy and Jno. M. Tate
was duly taken before me and
subscribed by them in my presence
in the presence of both parties
with the following bill of cost. To wit
Maj. A. J. Livingston 1 Day 50.

~~~~~~~~~  
Mileage 30 miles 84. 2.40

B. H. Livingston. 1 Day .50



Dr Muncy 1 Day 50  
Jno. M. Tate 1 Day 50  
Magistrate for Myself 7 hours. 4.25-  
and postpone the further taking  
of these depositions before Jno. M. Tate  
a Notary Public of said County and  
further I deliver up said depositions  
into the care of said Notary and  
it is further agreed by the parties  
if any further proof shall be taken  
Notice is waived by the deft. but  
now since further agreeing these  
depositions is postponed before said Tate  
on the 3<sup>rd</sup> day of May 1897. at  
the Town of Olinger in or above the  
E. & N. R. R. Depot in Lee County Va.  
Given under my official Signature  
April the 20<sup>th</sup> 1897.

Thos. M. Peterson J.P.

Met Pursuant to adjournment at  
the Town of Olinger near the Depot  
at J. H. Gibson & Co's Store Room  
in Lee County Va. on the 3<sup>rd</sup> day  
of May 1897. and no witness  
appearing the further taking of said



depositions is postponed until the 7<sup>th</sup> day of May at the dwelling-house of F. C. Anderson in Lee County Va. May the 3<sup>rd</sup> 1897.

Jno. M. Tate N.P.

Met pursuant to adjournment and no witness appearing the <sup>same</sup> is postponed to the top of the ridge on the disputed premises same day, both parties being present and agreed. May the 7<sup>th</sup> 1897

Jno. M. Tate N.P.

Met pursuant to adjournment. 2 o'clock in the P.M.

Jno. M. Tate N.P.

Lay Fayette Willis a witness of lawful age being duly sworn deposes and says by interrogatories.

Qu 1<sup>st</sup> By Plaintiff

Please state all you may know about the division line between the late C. M. Hill & the late Col. Jno. A. Moore;

Ans by witness. All I know about the line is what Moore & Hill both told me I was prospecting for a job of rail making



on the line between them. They both wanted a line fence and we went on the premises and More showed me the timber on the south side of the ridge as being his timber, and Hill showed me the timber on the north side preparatory to making a fence on the top of the ridge as the line fence between them. I think it has been about fifteen years ago.

4 Examination by the Off. Ewins.

Dec. 1<sup>st</sup> By Off.:

Where was the place on the top of the ridge that More & Hill showed you, <sup>Ans.</sup> They commenced showing me about the head of the Buzzer hollow and thence Eastwardly. They said the highest ground was the line. West of the Buzzer hollow they did not show me.

And for this more this deponent said not.

Lafayette <sup>his</sup> Willis <sub>more</sub>

M. W. Livingston another witness of Lafair age being duly sworn deposes & says.

Dec 1<sup>st</sup> By Plaintiff. (over)



Please state all you may know about  
the division line between the late Col.  
John A. More and the late C. M. Hill  
How you know it, and how long  
have you known it,

Ans by witness

I have known it about the  
last thirty five years. My Father &  
Henry Lawson owned the land now  
in dispute Henry Lawson on the  
north side of the ridge and my  
Father on the south side they made  
the top of the ridge the line between  
them Lawson first sold his side which  
was the north side to Thos. Rutherford  
Rutherford failing to pay C. M. Hill  
bought it, and the top of the ridge  
has since been the line as I understand  
ever since between More & Hill.  
And further more this deponent saith  
not M. W. Livingston

~~W. S. Rutherford~~ W. S. Osborn another  
witness of lawful age. being duly  
sworn deposes & says.

Dec 1<sup>st</sup> By Plaintiff

Please state all you may know



about the line between Col. Geo. A. More  
and C. M. Hill (now Deed.) I mean  
the line that separated their farms.

Ans By witness

What I know, some years ago and  
while Mr Hill & Mr More were both  
a live, I was employed by Col. Geo. A.  
More, More & myself, and as well as  
I recollect, we went up the Buggar  
hollow in search of locust posts and  
we approached the top of the ridge  
at the head of the Buggar hollow. and  
while there I pointed out a tree on  
the north side of the ridge as being  
a good post tree. and Col. More said  
my sons. it would do to cut that tree  
because it is Hill's and Hill will  
be mad. at that place he designated  
the top of the ridge the line between  
the two farms. and would not do to  
cross the top and cut timber

N. Examination by Deft.

Ans By Deft. Was or not that locust tree you  
speak of on this disputed land.  
I think it was not far from the  
head or opposite the head of the Buggar  
hollow on the north side of the ridge



2<sup>nd</sup> By same.

Sir More show you the line to the west end clear through on the top of the ridge.

Ans by witness No Sir.

And further more this deponent saith not.  
E. W. S. Osborn

State of Va. 4<sup>th</sup> 0 Jno. M. Tate a Notary Public of said  
Lee County 3 County do certify that the foregoing  
depositions of Lafayette Willis M. W.  
Livingston and W. S. Osborn was duly  
taken and subscribed by them before  
me on the disputed premises in Lee  
County, was duly qualified in the  
presence of H. C. Anderson and Nina  
Evins and by agreement of parties  
the same is fashioned before E. A. Robinson  
a Justice of the Peace in and for said  
County at the same place and the same  
day 4 o'clock in the P. M. with the following  
bill of costs to wit:

|                        |                            |             |
|------------------------|----------------------------|-------------|
| L. Willis 1 Day 50¢    | M. W. Livingston 1 Day 50¢ | 1.00        |
| W. S. Osborn 1 Day 50¢ | Notary fee 1.50            | 2.00        |
|                        |                            | <u>3.00</u> |

May the 7<sup>th</sup> 1897.

Jno. M. Tate N. P.



Jno. M. Tate on other witness of language being recalled by the Plaintiff on one important fact omitted on chief examination. deposes & says on his former qualification.

Q. <sup>1st</sup> by Pte Please state all you may know about the Disputed Boundary Between the Pft and Deft What John A. Moore claimed to be his line and what C. M. Hill claimed to be his line

Ans. By witness. I ran the line called the Green line for Col. Jno. A. Moore some years ago and ran to the two Whiteoaks in the gap of a ridge I think the second corner of the Green pasture the first from the Beginning. I never ran the Preston line for Col. Moore if there was any dispute at that time between Col. Moore & C. M. Hill as to the division line between them I don't now remember. East of the Evin's Purchase I have always heard the top of the ridge was the line and as far as I know or did know, at that time. The top might have been claimed by them to be the line as far as they owned the ridge. but when I ran the line



in after years for Hill & Reid Evans.  
Hill then claimed to the Testerman  
line and showed the same to be about  
31 poles south of the top of the ridge  
west of what is known the head of the  
Bryggor hollow. I then ran in what  
was shown to me as the Testerman line  
to the Grice line shown by C. M. Hill.  
Hill at that time claimed the Testerman  
line as being More's line. I only know  
the Testerman line by Hills showing  
and so ran. I made the survey for  
Hill & Evans in the absence of More  
and during Mores continuous life  
up to his death. From the time I made  
the survey, I am mind of More was  
claiming any of the land I ran  
off for Evans though he might have  
done so.

And further more this deponent  
saith not

Jno. M. Tate.



Virginia Lee County

To. Wit

J. B. A. Robinette an acting Justice  
of the Peace within and for said  
County do certify that the foregoing  
depositions of John M. Tate was  
Solely Taken and subscribed by  
him before me on the stipulated  
premises in Lee County Virginia  
in the Presence of E. C. Anderson  
and Reid Owens with the following  
Bill of Cost To. Wit J. P. fee  
75.7 This May the 7<sup>th</sup> 1894

E. A. Robinette J. P.



F. C. Anderson admr  
vs } Depositions

Reid Evans

Received from A. E.  
Robinson the J. P. before  
whom taken and filed  
May the 17th 1897

A. B. Muncay Clerk



To the Honorable W. Z. Miller Judge of the circuit  
court of Lee County Va.

The undersigned, in pursuance of a decree entered in  
the cause of F. C. Anderson admin. vs. Rud Evans & Als  
by the Circuit Court of Lee County, on the 11<sup>th</sup> day of Nov.  
1896, having given due notice to the parties concerned  
which is filed herewith proceeded on the 28<sup>th</sup> day  
of January 1897 to execute said decree, and the proceedings  
having been thenceforward regularly adjourned from  
time to time, and being at length completed  
report as follows. That <sup>Samuel</sup> Peter Robinett has  
better title to about 5 acres of the land sold by  
C. M. Hill to Rud Evans - I arrive at this  
conclusion from evidence produced by both  
plaintiff and defendant, see depositions  
filed herewith, marked 1, 2, 3 - Said 5 acres  
of land compared with the price of the  
~~price of the~~ balance of the tract I ascertain  
to be worth about \$7<sup>00</sup> per acre, therefore  
Rud Evans should have an offset of \$35<sup>00</sup>  
on the note here mentioned,  
all of which is submitted.

M. G. Ely Commissioner  
I hereby certify that I have been diligently engaged  
not less than 30 hours in taking, stating and  
making up this account, for which I charge  
\$22<sup>00</sup>

M. G. Ely com.  
Sworn to before me by M. G. Ely Oct 1897  
J. G. Munsey, Clerk



F. C. Audusam adn  
vs. E. C. Commission  
Report. 1

Reed Evans & Co

Filed May 31st 1897

A. B. Munsey  
Clerk

Commissioner per \$225.00



To the Honorable W.T. Miller Judge of the Circuit Court  
of Lee County Va.

Your undersigned begs leave to report that pursuant to  
a decree entered in the Chancery Cause of F.C. Anderson  
Admr. Vs. Reid Evans and others, in the Circuit Court of Lee  
County, pronounced on the 14th day of June 1897, by consent  
of parties and in the presence of both Plaintiff and  
Defendant, proceeded on the 4th day of October 1897, to p  
perform the duties required of him by said decree, and the  
result is hereby submitted:

Your commissioner employed a competent surveyor, Mr. J.B.  
Sproles, and went on the land in dispute and surveyed and  
located definitely the tract of land which he found in his  
former <sup>report</sup> to be Samuel Robinett's, and <sup>for</sup> which Reid Evans should  
have abatement or off-set on his purchase price of said  
land. The survey and plat of said land your commissioner  
files here, with his report marked "Sproles" and made part  
of this report. Said surveyor ran by the calls of Reid  
Evans' deed, beginning at a beech on the North side of the  
ridge and ran 9 poles to the top of the ridge, he then ran  
round the disputed tract as shown in the plat filed here  
with making the top of the ridge the line, with its mean-  
derings. ~~###~~ Your commissioner finds said disputed tract  
to contain 5 acres and 18 poles, and that a fair valuation  
of the same is \$35.00, for which Reid Evans should have  
credit on the note here sued <sup>on</sup>, as of the date of said note  
to wit: January 21st '1891, The line on the plat marked  
"Top of ridge" is the true line between Samuel Robinett  
and Reid Evans, as found by your commissioner.

It was suggested to your commissioner <sup>that</sup> there were other  
liens against the lands of Reid Evans, and asked to be  
reported, Your commissioner has searched the records and



find only one other lien, which is a judgment in favor of  
F.C. Anderson Admr' of C.M. Hill dec. against said Reid Evans  
as is shown by statement filed herewith marked "Liens".

Respectfully Submitted.

M. G. Ely

Commissioner.

Virginia Lee County to wit:

I hereby certify that I have been diligently engaged in  
taking, stating, making up, and going to and from the place  
of survey, in this account, ~~is~~ not less than 25 hours and that  
my expenses were \$3.00, and therefore charge \$21.75,

M. G. Ely

Commissioner

Sworn to before me by M.G. Ely, This Oct '11th' 1897.

A. B. Munsey Clerk. R.



No. (2)  
J. L. Anderson Admin-  
strator  
vs. E. E. Calhoun  
Commissioner  
R.

Reid Evans et al  
Filed October 20<sup>th</sup>  
1897.  
A. B. Munsey Clerk

Costs:

|                       |         |
|-----------------------|---------|
| J. P. - - - -         | \$4.25  |
| witnesses - - - -     | 4.40    |
| " - - - -             | 1.06    |
| N. P. - - - -         | 1.50    |
| witness - - - -       | 1.50    |
| J. P. - - - -         | .75     |
| witnesses - - - -     | 3.50    |
| N. P. - - - -         | 6.75    |
| surveyor - - - -      | 2.00    |
| chain carrier - - - - | 4.00    |
| Commissioner 1st R    | 22.50   |
| " 2nd                 | 21.25   |
| Total                 | \$73.76 |



F.C. Anderson Admin.

<sup>45</sup>  
Reid Evans & others

To the Hon. H.A.W. Skeen, Judge  
of the Circuit Court of Lee Co  
Ga.

Your Court would respectfully  
report, That he made sale  
of the land on the terms at  
the place & in the manner di-  
rected to be made by the decree  
entered in this cause on Nov.  
10<sup>th</sup>/897, the exact date of said  
sale your Court does not re-  
member, for just after the  
sale the papers in the cause  
as well as his memorandum of  
the sale became lost & were  
lost for about one year.

The said defendant Reid Evans  
made the highest bid on said  
land at the price of the debt  
interest & cost, but your Court  
placed the papers in the clerk's  
office until he could hereafter  
to make out the amount &c  
& became lost & he could not  
get hold of them again until  
after the next term of your  
Honors Court.

But your Court has called



upon said Evans several times to  
come in & complete his bid or  
pay off the debt to the Plaintiff  
but he fails to do so.

He has applied to him or written  
to him since the papers have  
been found to come in &  
pay the debt or complete his  
bid, but he fails to do either  
& has paid nothing on said  
debt but the Commission  
of sale to your Court & block  
10<sup>00</sup> to the plaintiff, so as  
the sale has been made  
over a year & the said  
purchaser fails to complete  
it & your Court ~~then~~ believes  
under the circumstances that  
there should be another sale  
I recommend that course  
that is

Resph  
D. P. Sewell  
Comm.



F. C. Anderson Adam

vs 3 Report


Reid Evans

Filed Feby 20


1900-

A. B. Manning LK



This deed made this the 16<sup>th</sup> day of  
March 1886. by and between E. M.  
Hill and Martha J. Hill his wife of the coun-  
ty of Lee and State of Virginia of the first  
part and Reel Ivins of the county  
and State aforesaid of the second part  
Witnesseth that the said party of the first  
part have this day sold and by these presents  
do sell and convey all of a certain tract-  
or parcel of land situated in Lee County and  
on Newmans ridge (better known as the Sink-  
hole Mountain) for the consideration of the  
sum of four hundred dollars stipulated in  
certain notes of prior date some of which has  
already been paid, the receipt whereof is hereby  
acknowledged, and a vendors lien is hereby  
retained on the said land until all of the  
purchase money is fully paid. The said tract-  
of land contains Eighty Eight Acres by act-  
ual survey and bounded as follows to wit-  
 **B**eginning on a chestnut oak two bearings  
two Dogwoods and an oak on a bluff thence  
S 40° E 86 poles to a planted rock, N 75° E  
6 poles & 10 links to a stake near a spring  
S 20° E 16 poles to a buck, S 40° E 36 poles to a  
chestnut oak on ~~the line~~ and thence to be  
the Testerman line thence with the same S 20°  
W 10 poles to two blackoaks on the Green line



Thence with the Green line N. 87° W. 80 poles  
to two whiteoaks in a soft Green corner. S 48 1/4°  
W. with same line 51 poles to a bush and black  
oak Col. Jno. A. Moore corner Thence with his line  
North 20° W. 21 poles to a Sugar tree and poplar  
Thence with same line N. 2° W. 51 poles  
to an ash and red bud on the South side  
of a hill near the top Thence on with Moore  
line N. 2° W. 40 poles to a hickory and ash  
near the turn of the ridge. Thence leaving  
Moore line N. 45° E. 20 poles to a Spanish-  
oak + cedar. Thence N. 54° E. 114 Poles to the  
Beginning 

To have and to hold the same  
together with all and singular the benedi-  
citions and appurtenances and all things  
pertaining thereto and the same party of  
the first part will warrant and forever  
defend the title to the same party of the  
second part to him his heirs or assigns  
forever

In witness whereof we the party of the  
first part have signed, sealed, acknowledged  
and delivered, this instrument as our  
free and voluntary act for the purposes  
set forth herein, this the day and date  
above written

<sup>his</sup>  
C. M. Hill  
<sup>mark</sup>  
M. J. Hill

(Seal)

(Seal)



State of Virginia }  
Lee County }

I Jno. M. Tate am  
acting justice of the  
Peace in and

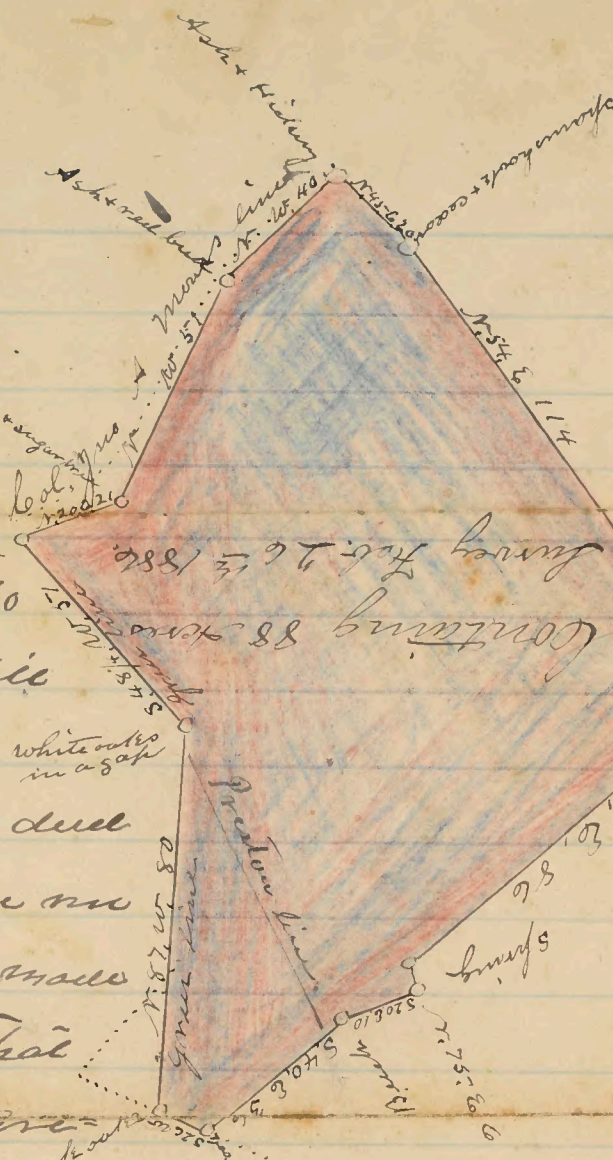
for said County do  
certify that C. M. Hill

whose name is sub-<sup>scribed</sup> to the foregoing deed  
personally appeared before me  
in my county and made  
his acknowledgments that

his signature to the fore-  
going instrument is genuine  
and sealed it for the purposes set forth therein  
Given under my official signature March the 16<sup>th</sup>  
day 1886.

Jno. M. Tate J. P.

Virginia, Lee County, To-wit: I, John B.  
West, a Notary Public for said county, in the  
state aforesaid, do certify that Martha J. Hill,  
wife of C. M. Hill, whose names are signed to  
the foregoing deed dated March the 16<sup>th</sup> 1886,  
personally appeared before me in the county aforesaid  
and, being examined by me privily and apart  
from her said husband and having the deed aforesaid  
fully explained to her, she, the said Martha J.





Hill, declared that she had willingly signed  
and executed the same and does not wish to re-  
tract it.

Given under my hand this, 29th, day of March  
1886.

John P. West, N.P.

E. M. Hill & wife

to

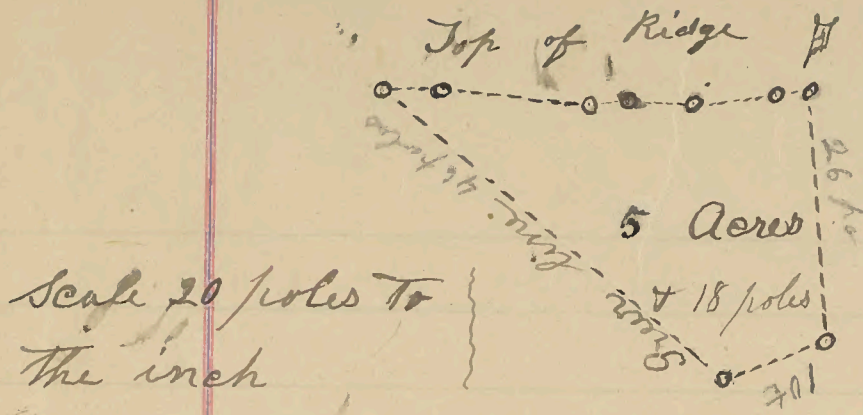
Mrs. Hill

D.

N.P.'s fee: 50 cts. paid  
by E. M. Hill  
John P. West, N.P.



North



Survey & Plat for M. S. Ely situated  
on Newman's Ridge in Lee county Va  
corresponding with a deed of Reed Irwin's  
done Oct 5<sup>th</sup> 1897

By J. B. Sproles sur  
per 8207



a Plat  
for ) M. S. Ely

By J. B. Sprales

"Sprales"

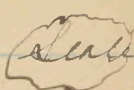
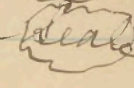


This Deed made this 9<sup>th</sup> day of June in the  
year of our Lord one thousand eight hundred  
and Seventy five; between Henry Lawson and  
Jane his wife of the county of Scott and  
State of Virginia, of the first part and  
John A. Moore of the county of Lee and  
State aforesaid, of the second part,  
Witnesseth that the said parties of the  
first part do grant bargain and sell  
and by these presents have granted,  
bargained and sold and conveyed  
unto the said John A. Moore a certain  
tract or parcel of Land lying and  
being in the of Lee and State aforesaid  
upon Blackwater Creek known as a  
of the Black Water Salt works tract,  
Bounded as follows Beginning on  
the East side of a creek on the side of  
Newmans Ridge on a Maple and Beech  
Carrer to Thomas Osbourns settlement  
right thence S 67° W 118 poles crossing  
the creek to a Sycamore and Buckeye  
on the bank of the same, N 74° W 60 poles  
to a white oak sapling on the side of a ridge  
S 57° W to Robonetts thence with said  
Robonetts line N 45° E to said Robonetts  
Carrer (a white oak) thence due  
west with said Robonetts line to the  
Reston line thence N 56° E to a corner



of the Preston Land to two white oaks  
Thence Eastwardly along the meanders  
of the ridge to a stake pole south of  
a spring thence due North so as to include  
said Spring thence down said Spring  
Branch to the mouth, thence S 13° E to three  
Beeches in a bottom thence S 57° E 78 poles  
crossing the creek to a beech and curren-  
t-bush trees thence S 35° E 106 to the  
Beginning, Together with all and  
appurtenances and all the estates, titles and  
interest of the said party of the first part  
therein, and the said party of the first  
part doth hereby covenant and agree  
with the said party of the second party  
that at the time of the delivery hereof,  
the said party of the first part is the  
lawful owner of the premises above  
granted, and thereof in fee simple  
absolutely, and that he will warrant  
and defend the above granted premises  
in the quiet and peaceable possession  
of the said party of the second party,  
his heirs and assigns forever,  
The purchase money having all been  
fully paid, In witness where-  
of we have hereunto set our hands  
and seals this 14<sup>th</sup> day of June 1875



Henry <sup>his</sup> Lawson <sup>mark</sup>   
Jane <sup>her</sup> Lawson <sup>mark</sup> 

Virginia Scott County to wit,  
I Smith H. Manson a Commissioner  
in chancery for the county & state afore-  
said do certify that Henry, Lawson &  
Jane his wife parties to the forego-  
ing deed bearing date on the 9<sup>th</sup> day  
June 1875 personally appeared before  
me and acknowledged the same  
to be their act & deed, And that the  
said Jane, Lawson being examined  
by me privately and apart from  
husband and having the said deed  
fully explained to her acknowledged  
that she had willingly executed  
the same & declared that she did not  
wish to resent it,  
Given under my hand this 14<sup>th</sup> day  
of June 1875

S. H. Manson comm

In chancery

Virginia Lee County Court Clerks  
offices the 10<sup>th</sup> day of Jan'y 1876.  
The foregoing deed between Henry,  
Lawson & Jane his wife of Scott  
County Va. of the first part, and  
John A Moore of Lee County Va



of the second part was this day filed  
in this office and admitted to record  
upon the certificate of L. H. Morison  
a Commissioner in Chancery  
in and for Scott County Vt  
Test John R. Gibbons & Co

John A. More  
Trans. Deed  
of Henry Lawson & wife

Recorded in Deed

Book no 17 Page 410

John R. Gibbons & Co



I have surveyed for Samuel Robins  
Oct-The 9<sup>th</sup> 1896 the following plat  
of land. In doing so I began at  
a Walnut corner on the Preston  
Survey of 1000 acres dated April 28<sup>th</sup>  
1796. Shown by Maj. A. J. Livingston.  
I reversed this line S. 1<sup>st</sup> E. allowing  
3<sup>rd</sup> Variation 224 poles to a point where  
2 whiteoaks are called for shown on the  
plat- at 1. I did not find the  
whiteoaks standing, but near by  
I found one which had fallen for  
a number of years its roots were  
then very plain. close by a small  
sink apparently where another tree  
had fallen but- no visible sign  
of what kind of a tree it had been.  
from this point I ran to 2 on the  
map and on the calls of the Preston  
Patent S 56<sup>th</sup> W. 127 poles (3<sup>rd</sup> Variation)  
at this point I found what is known  
as the Green line, near by was two  
dead whiteoaks one of which was  
marked plainly as a fore & aft tree  
corner near the bearing of the Preston  
calls, but a bout 2 poles S. W. of the Green  
line. from thence I ran on the Green



line S.  $86\frac{1}{2}^{\circ}$  E. 62 poles to 3, corner claimed  
 by Reed Swins on a whit oak, thence  
 leaving the Green line, and on a marked  
 line made by said Swins and C. M. Hill  
 N.  $58\frac{1}{2}^{\circ}$  E. 12 poles. N.  $36^{\circ}$  W. 30. poles to 5. on  
 the top of the ridge thence along the top  
 of said ridge as it meanders to a point  
 at 28. to wit N.  $63\frac{1}{2}^{\circ}$  E. 40 P. N.  $76^{\circ}$  E. 24 P.  
 N.  $61^{\circ}$  E. 21 P. N.  $86^{\circ}$  E. 8 P. N.  $7\frac{3}{4}^{\circ}$  E. 12 P.  
 N.  $29\frac{1}{2}^{\circ}$  E. 10 P. N.  $49\frac{1}{2}^{\circ}$  E. 12 P. N.  $53\frac{1}{2}^{\circ}$  E. 14 P.  
 N.  $74\frac{1}{4}^{\circ}$  E. 15 P. N.  $85^{\circ}$  E. 10 P. N.  $68\frac{1}{2}^{\circ}$  E. 19 P.  
 N.  $28\frac{3}{4}^{\circ}$  E. 12 P. N.  $50^{\circ}$  E. 11 P. S.  $63\frac{1}{2}^{\circ}$  E. 12 P.  
 S.  $86\frac{1}{4}^{\circ}$  E. 9 P. S.  $83\frac{1}{2}^{\circ}$  E. 4 P. S.  $48^{\circ}$  E. 4 P. N.  $86\frac{1}{2}^{\circ}$   
 E. 12 P. N.  $50\frac{1}{4}^{\circ}$  E. 8 P. N.  $25\frac{1}{2}^{\circ}$  E. 8 P. N.  $3^{\circ}$  W. 8 P.  
 N.  $29^{\circ}$  E. 2 P. N.  $3^{\circ}$  E.  $5\frac{1}{2}$  P. N.  $49\frac{1}{2}^{\circ}$  E.  $19\frac{1}{2}$  P.  
 to a point at 28 on a chestnut and  
 hickory. thence by Protraction S.  $61^{\circ}$  W.  
 208 poles to the Preston line at 1. as  
 shown on the map. The object of the  
 survey, is to show how much of the  
 land is claimed by Reed Swins, and  
 C. M. Hill's heirs, as claimed by the  
 said Samuel Robins. That he had  
 purchased of Col. Jno. A. Morris heirs.  
 or of Morris's Representatives. The part  
 shown on the plat tinged blue, containing



2000 + 34 poles, and the part  
 of the claim of the  
 containing thirteen acres  
 by surface  
 measurement.

Line of 224 Poles

Fully  
 For Samuel Robinson  
 one day field work \$2.50  
 making plat & calculating 1.50  
 Total \$4.00

Geo. W. Tate

Geo. M. Tate



Flat of Land

For 3<sup>rd</sup> of June  
3<sup>rd</sup> Hill house

Samuel. Robins

Col. J. A. Mous. Est-



Beg. at a stake at the end of 224 P.  
on the Preston line, running from  
the Walnut corner on the south side  
of Paveles Mountain found the  
degrees of variation to be 30 deg. ~~on~~  
on said line, Thence S. 56 W. 129 P.  
with the Preston line giving the  
same deg. of variation, which makes  
South 59 Degs West, to the Greer line  
Thence with the Greer line D. m. E.  
with  $3\frac{1}{2}$  Deg. variation, 186 P. to a stake  
at the South of the Black Water Road  
Corner to G. M. Watson's Land  
Thence with a line there of N.  $50\frac{1}{4}$   
E. 22 P. to a planted rock. Thence S.  
35 E. 18 P. & 9 Links to another Planted  
Rock. Thence S. 88 Deg. E. 32 P. & 5 Links  
to another Planted Rock Thence S.  
20. E. 81 P. & 7 Links to a stake. Thence  
S. 74 E. 78 P. lacking 10 links to  
a Sycamore now gone. Near the  
old bed of the Black Water creek.  
Thence South  $33\frac{1}{4}$  W. 1 P. to a Elm <sup>stump</sup> ~~corner~~  
to H. J. Wygal's Land. Thence leaving  
said G. M. Watson lines and with  
H. J. Wygal's lines S.  $72\frac{3}{4}$  E. 25 P.  
to a Log at the point of rocks  
Thence N. 72 E. 14 P. & 11 links to  
a beech & Red Bud. Thence N.



8 7/2 E. 5 P. + 3 links <sup>to a black gum.</sup> Thence N. 7 1/2  
E. 14 P. to a white oak sapling. Thence  
S. 8 6 E. 5 P. + 6 links to Poinsett on  
top of ridge. Thence S. 32 E. 7 P. to  
a stake Thence S. 15 E. 8 P. to a stake  
on top of a spur Thence S. 83 E.  
8 P. to a stake. Thence N. 62 E. 20 P.  
to Black oak bush on top of ridge  
Thence N. 63 E. 15 P. to Chestnut  
sprouts. Thence N. 80 1/2 E. 14 P. to  
a Dogwood on top of ridge. Thence  
N. 67 E. 17 P. to a stake on top of  
ridge. Thence N. 27 1/2 E. 8 P. + 5  
links to a black oak. Thence  
N. 57 1/2 E. 11 P. + 6 links to a Hickory  
on top of Ridge Thence Due E.  
8 P. + 7 links to the Late Saml  
E. Roberts corner. Thence  
leaving the top of ridge + said  
F. J. Wygal's lines. and with  
the said Roberts line N. 30 1/2 W.  
40 1/2 P. to a Maple + Beech on  
the Bench of the Ridge and a  
corner of the old Cornright  
Thence N. 37 W. 88 P. to a stake  
in the bend of the fence. Corner  
of Saml R. Roberts land and  
thence with the lines Thence  
N. 54 W. 58 P. to a stake near  
the Bank of the creek



Thence N.  $36\frac{1}{2}$  W. 67 P. & 8 links  
to a stake <sup>near</sup> corner of Jas. M. Duff's  
lot of land. Thence with a line  
thence and a line of Maj. A. J.  
Livingston N.  $10\frac{1}{2}$  W. 83 P. & 13  
links, <sup>to an elm</sup> near the mouth of the  
Spring branch Thence N. 80  
W. up said branch 14 P. & 10 links  
to the head of Spring and so as  
to include the Spring. Thence  
due S. 29. P. to a Hickory & Chestnut  
on ~~a~~ Ridge. Thence with the  
meanders of said Ridge by  
Protraction 217 P. to the Beginning



$$\begin{array}{r} 12 \\ 201 \\ \hline 2412 \end{array}$$
  
 201  
 2412

Emmil Moreau  
 3 Courses of  
 Lane.

Samuel Robinson

Containing 389 acres

$$\begin{array}{r} 225 \\ 06 \\ \hline 2412 \end{array}$$
  
 2412

$$\begin{array}{r} 000551 \\ 0600 \\ \hline 002091 \end{array}$$

140.  

$$\begin{array}{r} 90. \\ 230 \\ \hline 442 \\ 672.00 \end{array}$$
  
 700.  

$$\begin{array}{r} 130. \\ \hline 570 \end{array}$$

Craig  
 John



162.14  
37.97

200.11

~~222.14~~

Principal interest to Jan'y 1<sup>st</sup> 1898  
\$162.14 after deducting \$35.00  
as of date of 1st note



H. C. Anderson Admr &c. Plaintiff

against

Reed Evans

Defendant

In Chancery

The report of M. G. Ely filed in this cause on the 31<sup>st</sup> day of May 1897, is excepted to, because the finding of the Commissioner as to the amount of the land in controversy and its value is contrary to the evidence. The evidence, we think, shows the number of acres to be a little over 8, and that its value is anywhere from \$24.00 to \$250--H. R. Lamblinson puts it at \$250--R. G. Leary \$250--Thompson Norton, W. P. Arington & C. C. Roberts each at \$200--For plaintiff A. J. Livingston & W. L. Mumsey at \$4.00 per acre and B. H. Livingston at \$3.00 per acre. On an average these witnesses for <sup>Def't</sup> ~~Def't~~ Lamblinson & others, puts it at \$220--and ~~other~~ <sup>Plff's</sup> witnesses, A. J. Livingston & others puts it at \$27.33 1/3 on an average. And we think the preponderance is strongly in favor of the ~~Def't~~ and should prevail, but if we average the whole evidence of these witnesses, it would fix it at \$148.50, and we don't see how the Comr could decide at less than this. Or if the Court should be of opinion that there are only 8 acres in controversy, then it should be in proportion. It is true one witness Isaac Willis puts the land at \$1.00 per acre, but it is evident he did not know what he was talking



about or did not care.

The said report is further excepted to because the Court does not in any manner designate the land found by him in favor of and as belonging to Robinson, nor fix the boundary lines thereof, nor ascertain where it lies.

This should undoubtedly be done so as to settle the rights of the parties. Nor does said report fix the time at which the offset should be allowed defendant.

The said report is further excepted to as to the fee charged by said Court because more than he is entitled to, as he was not actually engaged the time charged for. He only took, as will be seen, one deposition, that of John M. Tate. And it is insisted that the charge is too much. Respectfully,

Orin Blankenship, for  
Def't.

The said report of Court Ely is excepted for the above reasons and his fees or charges are further excepted to because he charges for going to and from the place of survey and \$3.00 for expenses. The law allows the Court a fee per hour for the time actually engaged in the work, and we claim this does not include the time consumed



in going to the place and expenses.  
No 54/897.      Mr & Blankenship, for debt.



H. C. Anderson Admr  
vs { Exceptions to Cayer  
Edys Reports  
Reed Evans. 1+2.

Filed June 10<sup>th</sup> 1897.

W B Munsey  
Clerk



Virginia---Lee County, To-wit:

To J.B. SHUFFLEBARGER, Constable of said County.

I hereby command you to summon, Reid Evans

It to be found in your District to appear at JONESVILLE in said county, on the 17 day of Feb 1896 before me or such other Justice of said County, as may be there to try this warrant, to answer complaint of F.C. Anderson adm of C.M. Hill Decs

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$10.00 due by Note and then and there make return of this warrant.

Given under my hand the 8 day of Feb 1896.

H.C. Joslyn J. P.

F.C. Anderson Adm

Reid Evans Against

On the 17 day of Feb 1896.  
(In debt)

At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$10.00 with interest thereon from the 28 day of January 1894 till paid, and \$1.00 for costs.

H.C. Joslyn J. P.

VIRGINIA—Lee County, To-wit: To J.B. Shufflebarger Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of Reid Evans

in your county, you cause to be made the sum of \$10.00 with interest thereon from the 28 day of Jan 1894 till paid, which F.C. Anderson Adm has recovered before me in a warrant in debt, and also the sum of \$1.00 which were adjudged to the said F.C. Anderson Adm for costs in prosecuting said warrant.

Given under my hand the 17 day of Feb 1896.

H.C. Joslyn J. P.



"Lien's"

F. C. Anderson

No } Warrant

Reid Coins

Executed this 7  
17<sup>th</sup> day of Feb 1896

J. B. Shufflbarger  
C. F. C.

Not executed no  
paper found  
this the 6 day of July  
1896

J. B. Shufflbarger  
C. F. C.



To F. C. Anderson admr. Reed Evans and S.  
P. Robinett,

You will take notice that on the ~~17th~~<sup>28th</sup> day of  
Jan. 1897, at the Law office of Duncan &  
Hyatt in the town of Jonesville Va. I will  
proceed to execute the decree entered in the  
chancery cause of F. C. Anderson admr. - vs.  
Reed Evans et al. in the circuit court of Lee  
county 11th day of Nov. 1896, all parties  
interested will attend with such evidence  
as will enable me to comply with the  
said order of court. This Jan. 4-97

M. S. Ealy

Commissioner



F. B. Anderson du  
vs. Notice of con  
Sitting  
Reid Evans

We accept legal  
service of the  
within notice for  
Reid Evans. This  
January 19, 1897.

For Blankenship  
Attys

We accept service of  
the within notice for  
F. B. Anderson and  
this Jan 19, 1897

Reid Evans

I accept legal service  
of this notice

G. J. Burman  
for Samuel Roberts



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*Reid Evans*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the

*3rd*

Monday in

*May*

; 189*5*, to answer a bill in Chancery,

exhibited against

*him*

in our said court by

*F. C. Anderson*

*Admr of C. M. Hill*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*8th*

day of

*May*

189*5*, and in the 11 *9th* year of the

Commonwealth.

*A. B. Munsey* Clerk.



*F. B. Anderson Admin*

vs. { SUPRENA  
IN CHANCERY.

*Reid Evans*

*Pridemore & Sewell* p. q.

To *2nd May* Rules,  
Circuit Court.

*Executed by delivering  
Reid Evans an aff's  
copy of the within.*

*This May 13 day 1875  
1st P. Arlington D. I. for  
C. & P. K. L. G.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

*Reid Evans & Samuel  
Robinet*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *3rd* Monday in *February*, 189*6*, to answer a

bill in Chancery, exhibited against *them* in our said court by

*F. L. Anderson Admr of W. M. Hill decd*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the *1st* day of *February*, 189*6*, and in the

*12th* year of the Commonwealth.

*A Copy Dated*

*A. B. Munsey Clerk*

*A. B. Munsey* Clerk.



---

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vs.

{ SUPRENA  
IN CHANCERY.

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---

..... p. q.

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To..... Rules,  
Circuit Court.

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The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

*Reid Evans & Samuel Robinett*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held

for the said Court on the *3rd* Monday in *February*, 189*6*, to answer <sup>*an amended*</sup> ~~A~~

bill in Chancery, exhibited against *them* in our said court by

*J. B. Anderson Admr of C. M. Hill dead*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-

house, the *1st* day of *February*, 189*6*, and in the

~~11~~ *120th* year of the Commonwealth.

*A. B. Munsey* Clerk.



F. L. Anderson <sup>admr</sup>

SUPCENA

vs.

IN CHANCERY.

Reed Evans et al

Predemore & Sp. q.

To 2<sup>nd</sup> Feby Rules,  
Circuit Court.

Executed by delivering  
an Office Copy of the  
within Sp. in Feby  
to Reed Evans.

Not executed on  
Samuel Robinson  
being out of my  
County & a resident  
of Lucas County, Va  
This Feby 12<sup>th</sup> 1896.

Wm Blodgett Jg

W W P Weston S C



The Commonwealth of Virginia,

To the *Shiriff* of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*Williams*

*J. M. Tate and Maack*

*Mr. G. E. Evans*  
to appear before the Judge of our County Court, of the County of Lee, at the Court-house thereof on the

*2* day of *Feb.*

189

*to* testify and the truth to say in behalf of the *Defendants*  
*Commissioners*

in a certain matter of controversy in our said court before the said ~~Judge~~ depending and undetermined  
*F. E. Buckner and others*  
between the Commonwealth of Virginia plaintiff, and *Reed Evans*

*et als -*

Defendant: *X*

And this *You* shall in no wise omit under the penalty of \$100.

And have then there this writ

Witness, S. V. F. RICHMOND, Clerk of our said Court, this *Jan.* day of *28* 189  
in the *18* year of the Commonwealth

*Mr. G. E. Evans*



*Filed*  
J. C. Anderson  
Commonwealth

VS

SUBPOENA  
FOR  
WITNESS.

Reed Evans

Court.

the 2 day of Feb.

1897.

Executed on January  
31 1897 by  
J. C. Tate & C. W.  
Williams  
Evon O. Tate  
W. W. P. 10-85 (1897)



The Commonwealth of Virginia,

To the Sheriff of the County of <sup>Wise</sup> ~~Lee~~---Greeting:

<sup>again</sup>  
We Command you,  
Robinett

That you summon

Reid Evans & Samuel

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the 3<sup>rd</sup> Monday in September, 1896, to answer a  
bill in Chancery exhibited against them in our said court, by

F. C. Anderson admr of C. M. Hill decd

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the 26<sup>th</sup> day of August 1896 and in the  
12<sup>1st</sup> year of the Commonwealth.

A. B. Munsey Clerk.



F. C. Anderson Admr

SUPCENA.

vs. {

IN CHANCERY.

Reid Evans et al

Pridemore & Jewell q.

To 2<sup>nd</sup> Sept. Rules.

CIRCUIT COURT.

Copy for Samuel Robinett

Received by  
delivering an office  
of the Willam  
Samuel Robinett  
the with named  
defendant do  
in wire county Va  
on Sept 8-1896  
J. P. Miller  
C. W. B



F. C. Anderson  
W. B. Billings  
Reid Evans

Decree final Dec.  
term, 1906-